

Opening Statement of the Honorable Greg Walden
Subcommittee on Communications and Technology
Hearing on “Internet Governance Progress After ICANN 53”
July 8, 2015

(As Prepared for Delivery)

Last year, NTIA announced that it would work to transition the stewardship of the Internet Assigned Numbers Authority to the multi-stakeholder community to a chorus of concern. Will this open the door to a U.N. agency taking over where the U.S. government leaves off? What of the checks and balances that NTIA places on ICANN? What is the multi-stakeholder community, anyway? Large and fundamental questions loomed and this subcommittee sought to exercise its role as NTIA’s oversight authority and get answers.

A year later I am proud of the work of this subcommittee to ensure that the IANA transition preserves the Internet we know and makes certain that if the U.S. government steps away from IANA that the system we leave in its place won’t permit another government or intergovernmental group to fill the void.

From the beginning, this subcommittee sought to strike the right balance between supporting the multi-stakeholder model of Internet governance, while still protecting the invaluable tool of communications and commerce the Internet has become. And many of the questions we have raised are being incorporated into the work of the multi-stakeholder groups committed to working through this transition.

In the past, I’ve often made reference to both the contract between the U.S. and ICANN as well as the Affirmation of Commitments. I believe that both of these documents create valuable protections and rules that serve the governance of the Internet well. Among those crucial terms are the requirements that ICANN remain a non-profit corporation headquartered in the United States; that ICANN maintain open and transparent processes; and, ongoing review of ICANN’s operations by the multi-stakeholder community. That’s why I am pleased to see that that multi-stakeholder community has proposed to ensconce the terms of the Affirmation of Commitments in the ICANN bylaws, themselves. These policies are critical to ensuring that ICANN remain a stable steward of IANA and must be a part of a successful transition.

We also heard from the multi-stakeholder community over the last year. And with respect to at least one part of this transition the world spoke with one voice: ICANN must be more accountable if it is to be trusted with the stewardship of IANA. Over the last year, a group of dedicated volunteers have been working to come up with a structure for ICANN that ensures that it is the Internet community, not any one group of players, that will guide the future of the Internet.

I couldn’t be happier to see that the issues raised by the subcommittee have been an integral part of the work of this group. The community must be able to hold the ICANN board accountable, and that means the ability to recall those board members that are no longer representing their community. It also means that once this new system is in place, that it be resistant to capture. Fundamental bylaws that require a supermajority to change, actionable mechanisms that empower the community, independent review of board decisions, and the stress tests to ensure that the system will work as planned are essential elements of an accountable ICANN. We have been talking about these issues for the past year and we will continue to do our jobs to ensure that if NTIA is to agree to a transition proposal, that these changes are fully implemented up-front.

Last month the House acted on a bipartisan basis to pass this subcommittee’s DOTCOM Act. The DOTCOM Act was developed through months of hearings, discussions, and bipartisan negotiations. Throughout this process, we made a concerted effort to recognize the impact of our actions on the international process, but we also felt it would be irresponsible to ignore the very real risks associated with a relinquishment of the United States’ role in Internet governance, no matter how small. The measured approach of the DOTCOM Act properly balances NTIA’s role as the U.S. government

participant in the multi-stakeholder community with the U.S. Congress' role as NTIA's oversight authority. Our hope is that the Senate will quickly pass this legislation and provide Congress with another tool to ensure a transition will meet our nation's – and the world's – needs.

Finally, we've said all along that this transition is far too important to be rushed by an artificial deadline. I was pleased to see Assistant Secretary Strickling's testimony states that the transition timeline is flexible, and will extend beyond the September 2015 expiration of the ICANN contract. Extending the contract will ensure that the multi-stakeholder community and the U.S. Government through NTIA and Congress are driven by a full and robust vetting of the transition proposal, rather than the calendar. Moreover, extending the contract is consistent with the timeline for the work that is taking place on ICANN accountability reforms. Just last week the Cross-Community Working Group-Accountability has indicated that the "Work Stream 1" reforms required for the IANA transition may not be implemented until July 2016.

There are still many unknowns in this process, and much remains to be decided before a transition can take place. For example, how will the transition deal with the .mil and .gov top-level domains and what role will the Government Advisory Committee have in the new ICANN? My hope is that this committee's oversight will continue to strengthen the process, raise important questions, and improve the outcome. I thank both of our witnesses for testifying today and sharing their insight into the transition process, and answering some of the many questions that remain as we move forward.

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